

Notice of Allowability

Application No.

09/912,281

Examiner

Alexandra K Pechhold

Applicant(s)

ALLARD ET AL.

Art Unit

3671

NEW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/14/04.
2. ☒ The allowed claim(s) is/are 1-14 and 27.
3. ☒ The drawings filed on 11/22/02 and 1/3/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Heather Fan on November 10, 2004.
3. The application has been amended as follows:

IN THE CLAIMS:

Cancel the withdrawn claims 15-26 and 28-30.

IN THE SPECIFICATION:

On page 2, line 2, in the blank space after "Serial No." insert -- 09/909,475 --.

On page 2, line 3, after "2001," insert -- now abandoned, --.

On page 2, line 4, after "2001," insert -- now U.S. Patent No. 6,551,023, --.

On page 2, line 5, after "1999," insert -- now abandoned, --.

On page 12, line 1, replace "Figure 47 is" with --Figures 47A, 47B, and 47C are--.

On page 12, line 3, replace "Figure 48 is" with --Figures 48A, 48B, and 48C are--.

On page 12, line 5, replace "Figure 49 is" with --Figures 49A and 49B are--.

On page 44, line 10, replace "through 49" with --, 47A-C, 48A-C, and 49A-B --.

On page 44, line 28, replace *both instances* of "47" with --47A, 47B, and 47C--.

On page 45, line 17, replace the first instance of "48" with --48A, 48B, and 48C--.

On page 45, line 17, replace "46-48" with --46, 47A-C, 48A-C, and 49A-B--.

Art Unit: 3671

On page 45, line 28, replace "46-48" with --46, 47A-C, 48A-C, and 49A-B--.

On page 46, line 8, replace "46-48" with --46, 47A-C, 48A-C, and 49A-B--.

On page 46, line 15, replace "48" with --48A, 48B, and 48C--.

On page 46, line 30, replace the first instance of "49" with --49A and 49B--.

On page 46, line 30, replace "46-49" with --46, 47A-C, 48A-C, and 49A-B--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
10/11/04